

APPROVED JANUARY 11, 2006



**SCOTTSDALE PLANNING COMMISSION
CITY HALL KIVA
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
December 14, 2005**

REGULAR MEETING MINUTES

PRESENT: David Gulino, Chairman
Steve Steinberg, Vice-Chairman
David Barnett, Commissioner
James Heitel, Commissioner
Eric Hess, Commissioner
Jeffrey Schwartz, Commissioner

ABSENT: Steven Steinke, Commissioner

STAFF PRESENT: Donna Bronski
Lusia Galav
Don Happ
Sherry Scott
Al Ward
Judy Weiss

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:15 pm.

MINUTES REVIEW AND APPROVAL

1. November 30, 2005 (including Study Session

COMMISSIONER BARNETT MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 30 PLANNING COMMISSION MEETING. SECONDED BY COMMISSIONER HESS, THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).

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CONTINUANCES

2. 39-ZN-1992#4 (Mayo Clinic)
3. 19-AZ-2005 (Sierra Highlands)

COMMISSIONER SCHWARTZ MOVED TO CONTINUE 39-ZN-1986#4 (Mayo Clinic) AND 19-ZN-2005#2 (Sierra Highlands) TO THE JANUARY 11, 2006 MEETING. SECONDED BY COMMISSIONER HEITEL, THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

4. 48-UP-1986#2 (Mescal Park Equestrian Arena Lighting)

Chairman Gulino instructed members of the public wishing to speak and informed those with written comments that their comments were distributed among the Commissioners.

Al Ward presented the case per the staff packet. Highlights of the presentation included a site map depicting the area and explaining the types of residences that surround Mescal Park. The site map also included depiction of the drainage basin, bike trail, and equestrian trail. The proposal was previously approved by the Parks and Recreation Commission on June 15, 2005. Mr. Ward noted that staff has received 12 emails in favor, 2 emails opposed, and a petition with approximately 71 names in opposition to the lighting of the arena. Staff does find that the application is in conformance with the use permit criteria.

Upon invitation by Mr. Ward, Chairman Gulino opened the floor to questions from the Commissioners.

Commissioner Schwartz requested that the map depicting the candle strength at 100 feet be presented again. In response Commissioner Schwartz's inquiry regarding street lights on 68th Street, Ms. Judy Weiss explained that there is one light on the corner of 68th and Mescal and there are no streetlights to the north or the south of that area.

Commissioner Schwartz requested an explanation of the radius of the illumination of the light from these lamps and whether there would be any light-bleed over the walls to the properties effected. Mr. Don Happ explained that the lights are 100 feet at 6 feet above grade, which is the City's standard and which should also prevent any light-bleed.

A discussion ensued concerning which residences would be directly affected by the lights and in what proximity to the Park most of those opposed reside. Most of the opposed residents live adjacent to the Park and do not own horses.

Commissioner Heitel reiterated the Parks and Recreation Department's mission to improve parks all over the City, regardless of the type of recreation for which they are used. Ms. Weiss replied in the affirmative, noting the differences in lighting required for different types of sports.

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In response to inquiry by Commissioner Barnett, Mr. Ward noted that residents desiring the installation of tennis court lights on their private property would need to adhere to the ordinance and obtain a permit.

Commissioner Barnett inquired about the possible use of trees to help shield light from area residents. In response, Ms. Weiss noted that tree heights can create problems for horses.

In response to an inquiry by Chairman Gulino concerning additional lights in the area, as depicted in the staff packet, it was noted that those specific candle numbers were not included in the packet.

Ms. Weiss reiterated the conditions concerning this park, noting the future possibility of allowing equestrian use in the basin.

In response to inquiry by Commissioner Schwartz, Ms. Weiss informed the meeting that the entrance to the park is located on the southwest corner.

PUBLIC TESTIMONY

Chairman Gulino called for public testimony.

Ida Goldstein presented photographs of the corner of 68th Place and Mescal noting the signage, trailer parking area, and existing lighting. Highlights of Ms. Goldstein's presentation included a brief overview of the approval of the light installation by the Parks and Recreation Commission. Ms. Goldstein cited the purpose of the proposed lighting, and presented photographs depicting lights currently in use on private property in the area, as well as photographs of the Mescal Park basin and the bridle paths.

In response to inquiry by Commissioner Gulino, Ms. Goldstein reported that she and the residents she represents live within a quarter of a mile from the park.

Commissioner Heitel observed the importance of maintaining these types of parks and promoting available areas for use by equestrians.

Pursuant to questions by Commissioner Schwartz and Commissioner Steinberg, Ms. Goldstein clarified the placement and height of lighting depicted in the photographs.

In response to comments by Commissioner Barnett regarding the possibility of landscaping improvements, Ms. Goldstein reported that residents are not opposed to the installation of trees at the arena.

Chairman Gulino requested that speakers indicate the location of their residence in relation to the Park.

Terry Richman resides a quarter of a mile north of the park at 6801 E. Weathersfield Road and supports the lighting installation at Mescal Park.

Susan Wheeler resides in the Cactus Corridor, east of 96th Street. Ms. Wheeler served on the Parks Commission for six years and is a horse property specialist.

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She believes that the lighting is essential to protect the horses and that it would be an improvement to the neighborhood. She urged Commission support.

Anne Louis, 6801 E. Mescal Street, spoke in opposition to the addition of the lights. She cited concerns about setting precedence for future sport lighting and the possibility of other sporting uses overrunning the facility.

Erica Thompson, residing just off of Cholla, 70th Street and Cortez, opined that the lights would be an asset to the Park.

Arden Brady resides north of Cholla on 68th Street. He is in favor of the proposed installation of the lights.

Tracy House, 11439 N. 68th Place, north of Cholla, resides a block-and-a-half from the Park. Her presentation suggested discrimination against equestrians noting tennis, baseball, and soccer fields that have public lighting. She is in favor of the lighting installation.

Carla Crawl resides southwest of Cactus and Scottsdale Road. She is in favor of adding the lights, opining that such will improve the area and attract more young families.

Kathy Potter resides at the southwest corner of 68th and Mescal. She corrected the earlier number of petitioners quoted by Mr. Ward, noting that the petition contained 107 signatures. Ms. Potter is opposed to the lighting proposal, citing a concern about property values, lights and noise from added activity, as well as a lack of parking.

Commissioner Barnett inquired as to whether the City had presented the option of adding landscaping and whether such would make a difference to those residents opposed to the lights. Ms. Potter reported that discussions to that effect have not occurred and reiterated her concerns.

Colleen Kanelli, 12012 N. 68th Place, resides north of the park by a few blocks. She is a horse owner and is in favor of the lights. She cited the number of residents that have supplemental lighting in the area.

Ben Potter reiterated that most opposed residents are not anti-equestrian; only against the addition of lights. He opined that the addition of lights will not save the equestrian society.

In response to a question by Commissioner Steinberg concerning Mr. Potter's objection to the lights, Mr. Potter cited the amount of tax dollars that would be spent to satisfy a handful of people. He also commented that lights are intrusive to the dark skies.

Samantha Goldstein expressed support for the addition of the lights, citing the importance of exercising the animals.

Steve Sullivan, 7001 E. Paradise Drive, resides three blocks north of Mescal Park. Mr. Sullivan is a horse owner and supports the addition of the lights, citing benefits of compromises being proposed.

Bill Bridwell expressed favor for the addition of lights. He quoted results from a study performed by the Arizona State Horseman's Association concerning the dollar amount brought into the City by equestrians.

Mr. Kunkle expressed opposition to the addition of lights, citing minimal use of the facility, cost of upkeep of lighting, concerns about parking, and additional traffic. In addition, he pointed out the fact that neighbors are boarding horses for non-residents and referred to the basin meeting in which the neighborhood gave up the rights to lights in exchange for use of the basin.

Alan Kaplan is opposed to changing the structure of the neighborhood. He expressed concerns about setting precedence for future lighting, parking problems, and the spending of tax dollars.

Diane Kinsel resides on south side of Shea. She is in favor of lighting, pointing out that Scottsdale "is horses".

PUBLIC TESTIMONY CLOSED

Ms. Weiss clarified statements made during public testimony. She reviewed rules for funding of public parks. She also addressed the subject of for-profit activities being conducted in public facilities, which is prohibited.

In response to inquiry by Vice-Chairman Steinberg, Ms. Weiss noted that sports lighting can only be added to a public park if it is adjacent to a school.

Per inquiry by Vice-Chairman Steinberg, Ms. Weiss noted that the funding for the lighting was requested by neighborhood residents.

In response to inquiry by Commissioner Hess, Ms. Weiss clarified that there are lights at the park by Cocopah Middle School and that those lights are approximately 80 feet tall. It was also noted that there are occasional complaints concerning those lights as well as traffic.

In response to inquiry by Commissioner Hess, Mr. Potter explained the rules in the CC&R's concerning street lighting.

Noting that although CC&R's do not apply to the Park, Chairman Gulino commented that the CC&R's should have been addressed in the application.

In response to inquiry by Commissioner Schwartz, Ms. Weiss clarified the drop of the basin and that this is a multi-use facility. She also clarified differences between Mescal Park and neighboring parks with similar lighting.

Commissioner Schwartz supports the lighting of the Park along with additional landscaping and the use of the basin. Commissioner Schwartz hopes that a

consensus can be reached so that neighbors can get on with enjoying Scottsdale public facilities.

Commissioner Barnett supports the addition of lighting and suggested that the City mitigate complaints with such things as landscaping.

Commissioner Hess spoke in favor of the lighting, agreeing with Commissioner Barnett's suggestion of landscaping and opined that parks should be utilized even for small groups.

Commissioner Heitel supports lighting the arena, expressing disappointment in the Parks Department's lack of initiative in suggesting the change.

Commissioner Steinberg believes the addition of lighting is important in order to support the equestrian lifestyle.

In response to various inquiries by Chairman Gulino, Ms. Weiss reiterated that the proposal was a citizen initiative and identified that Stonegate Equestrian Park and WestWorld are the only two options in the area available for exercising horses after dark.

Chairman Gulino expressed that he is not opposed to the lighting, but noted a lack of compelling points that support installation of the lights on the Park. He expressed concern regarding the lack of comprehensive neighborhood involvement results. He urged that an argument be presented to City Council as to whether the proposal would benefit the area as a whole.

COMMISSIONER HEITEL MOVED TO RECOMMEND APPROVAL AND FORWARDING TO CITY COUNSEL, CASE 48-UP-1986#2, NOTING THAT IT MEETS THE CRITERIA OF THE USE PERMIT.

Upon clarification by Vice-Chairman Steinberg, Commissioner Heitel added to the motion:

WITH A STRONG RECOMMENDATION THAT ADDITIONAL LANDSCAPING BE CONSIDERED WITH THE ASSISTANCE OF THE NEIGHBORHOOD. SECONDED BY COMMISSIONER BARNETT, THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ONE (1).

Ms. Galav noted that the case is expected to appear on the City Council agenda in January.

Commissioner Schwartz requested that some guidelines be established regarding the gathering of signatures on petitions, specifically a timeline enabling that the Commission receive the signed petitions in advance of the hearing. He requested that a plot be established that depicts the location of signors/residents in relation to the subject property and whether that signor/resident is in favor or opposed.

Discussion ensued in response to inquiry by Commissioner Schwartz regarding current policy as it relates to staff's recommendations on proposed cases.

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Chairman Gulino noted that the next meeting of the Commission will occur on January 11th. The Commission will elect a new Chairman and Vice-Chairman at the next meeting.

WRITTEN COMMUNICATION

None

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the regular meeting of the Scottsdale Planning Commission adjourned at 7:23 p.m.

Respectfully submitted,
A/V Tronics, Inc.

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